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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,601	05/25/2006	Matthias Austen	WEICKM-0058	1728

7590 05/01/2009
Millen, White, Zelano & Branigan
Arlington Courthouse Plaza 1
2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201

EXAMINER

SAJJADI, FEREDYDOUN GHOTB

ART UNIT	PAPER NUMBER
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1633

MAIL DATE	DELIVERY MODE
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05/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10580601	5/25/2006	AUSTEN ET AL.	WEICKM-0058

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Arlington Courthouse Plaza 1
2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201

EXAMINER

FEREYDOUN G. SAJJADI

ART UNIT**PAPER**

1633

20090429

DATE MAILED:

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Commissioner for Patents

OFFICE COMMUNICATION:

Response to Amendment

The response dated January 9, 2009, to the restriction requirement of November 28, 2008 is considered non-responsive, because while Applicants have elected Group I (claims 1-43), and the species of ES cells, regeneration of insulin-producing cells, type I diabetes, pancreatic disease, insulin production in response to glucose and transplantation, they have not responded to the requirement for the election of a specific type of neutruin product or a single type of neurturin modulator, and one of in vivo, in vitro or ex vivo for the claimed method, as set forth in part 2, on page 52-3 of the office action dated November 28, 2008. Applicants should further elect a specific species for the routes of administration recited in new claim 67. Applicants should further indicate the claims that the elected species read on. The reply is therefore not fully responsive (See 37CFR 1.111).

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fereydoun G. Sajjadi whose telephone number is (571) 272-3311. The examiner can normally be reached Monday through Friday, between 6:30 am-3:30 pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on (571) 272-079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). For all other customer support, please call the USPTO Call Center (UCC) at (800) 786-9199.

/Fereydoun G Sajjadi/
Examiner, Art Unit 1633

